

MINUTES
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
UTAH WATER QUALITY BOARD
Cannon Health Building Room 125
288 North 1460 West
Salt Lake City, Utah 84116
January 19, 2007
10:00 AM

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Dave Echols	Dianne Nielson
Joe Piccolo	Gregory Rowley
Leland Myers	Paula Doughty
Jay Olsen	Ron Sims
Neil Kochenour	Darrel Mensel
Daniel Snarr	

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Walt Baker, Faye Bell, Harry Judd, Ed Macauley, John Whitehead, Emily Canton, Jeff Ostermiller, Beth Wondimu, Carl Adams, Theron Miller, Dan Hall

OTHERS PRESENT

<u>Name</u>	<u>Organization Representing</u>
Fred Nelson	Attorney Generals Office
Doug Nielsen	Sunrise Engineering
Lee Bracken	Enterprise City
Russ Funk	Sunrise Engineering
Brian Cowan	Weber-Morgan Health Dept.
Scott Everett	DEQ/DERR

Chair Piccolo called the Board meeting to order at 10:15 a.m. He welcomed those in attendance and invited the members of the audience to introduce themselves.

Introduction of new staff: Mr. Judd introduced Jeff Ostermiller as the new Monitoring Section Manager.

APPROVAL OF MINUTES OF THE NOVEMBER 17, 2006 MEETING

Motion: **It was moved by Mr. Myers and seconded by Mr. Sims to approve the minutes of the November 17, 2006 Board meeting as written. The motion was unanimously approved.**

RULEMAKING

Adoption of Rulemaking to R317-11 Certification Required to Design, Inspect and Maintain Underground Wastewater Disposal Systems, or Conduct Percolation and Soil Tests for Underground Wastewater Disposal Systems: Mr. Macauley explained that the comment period closed on January 15, 2007, stating some comments were received. Staff is recommending that the Board adopt the proposed changes. Mr. Myers brought up the point that by passing this rule,

it would require highly qualified people, such as degreed engineers, to take a class and test in order to do conduct a soil or percolation test. The Board discussed the wording and it was noted the wording did include a statement “it shall recognize experience.” An extensive discussion followed.

Motion: It was moved by Dr. Kochenour and seconded by Mayor Snarr to approve staff’s request to adopt the proposed changes to *R317-11*. The motion was approved with Mr. Myers voting against.

Request to adopt changes to Rulemaking to *R317-6, Administrative Rules for Ground Water Protection*: Mr. Macauley explained to the Board that the public comment period closed on January 15, 2007 and no adverse comments were received. Staff is recommending that the Board adopt the proposed changes to *Utah Administrative Code, R317-6*. One noted change was “pollutant” changed to “petroleum hydrocarbons.”

Motion: It was moved by Dr. Sims and seconded by Mr. Myers to approve staff’s request to adopt the proposed changes to *R317-6*. The motion was unanimously approved.

Request to Adopt Rulemaking to Incorporate NRCS Liner Criteria Tables into UAC R317-1 and UAC R317-6 for Liquid Waste Storage Facilities at Animal Feeding Operations: Mr. Hall explained to the Board that the proposed amendments to R317-1 and R317-6 will incorporate into rule by reference Tables 2a, 2b, and 2c of the NRCS Conservation Practice Standard 313, Waste Storage Facility (August 2006) for liquid waste storage facilities at animal feeding operations. These tables will be used to determine the liner design for wastewater lagoons and runoff ponds based on the risk and vulnerability of ground water contamination using site-specific characteristics such as ground water quality class, distance to drinking water wells and surface water classes, unsaturated zone soil type and permeability, and depth to ground water.

Motion: It was moved by Mr. Myers and seconded by Mr. Rowley to approve staff’s request to adopt the proposed changes to *R317-1 and R317-6*. The motion was unanimously approved.

Request to adopt approved TMDLs by reference: Mr. Adams presented staff’s recommendations to incorporate by reference all EPA approved TMDLs received since last adoption into Rule (R317-1-7). The approved TMDLs include: Upper Bear River, August, 4, 2006, Echo Creek, August 4, 2006, Soldier Creek, August 4, 2006, East Fork Sevier River, August 4, 2006, Koosharem Reservoir, August 4, 2006, Lower Box Creek Reservoir, August 4, 2006, and Otter Creek Reservoir, August 4, 2006

Motion: It was moved by Mr. Myers and seconded by Dr. Kochenour to approve staff’s request to adopt R317-1-7, TMDLs. The motion was approved. With Mr. Rowley abstaining.

LOAN PROGRAM

Financial Assistance Status Report – Ms. Canton updated the Board on the “Summary of Assistance Program Funds” as outlined on page 3.1.

SRF Annual Report presentation: Ms. Canton handed out to the Board the Annual State Fiscal Year (SRF) 2006 Report.

Enterprise request for Planning Advance: Ms. Wondimu introduced Mayor Lee Bracken of Enterprise, Doug Nielsen and Russ Funk with Sunrise Engineering. The City of Enterprise is requesting a Planning Advance in the amount of \$30,000 to complete a Facilities Plan that identifies how to meet current and future demands. Enterprise City is currently considering new developments that would have significant impact on its wastewater system. The City is evaluating improvements to the existing wastewater system that can meet DWQ's requirements. The City also is evaluating the potential impact of growth on the City's wastewater system. Staff recommends that the Water Quality Board authorize a \$30,000 Planning Advance to Enterprise City to perform complete facilities planning.

Motion: **It was moved by Mr. Olsen and seconded by Mr. Sims to approve Enterprise request for a planning advance of \$30,000 to complete facilities planning. The motion was unanimously approved.**

OTHER BUSINESS

Recommendations for appointments to the Wastewater Operator Certification Council for 2007-2009: Mr. Macauley explained to the Board that the terms of service for three members of the Wastewater Operator Certification Council have expired which are, Neil S. Jones, Gordon Champneys and Jeff Richens. Upon consideration of the recommendations submitted by various entities, staff is recommending that *Neil Jones* be reappointed to fill the vacancy of a certified wastewater operator, *Jim Faulkner* be appointed to fill the vacancy representing wastewater management; and *Rex Ausburn* be appointed to fill the vacancy representing the private sector. These terms would begin immediately and continue through December 31, 2009.

Motion: **It was moved by Mr. Sims and seconded by Mr. Echols to approve staffs recommendation as stated above. The motion was unanimously approved.**

Mr. Baker gave the Water Quality Board a Legislative Update discussing HB99.

NEXT MEETING

The Water Quality Board will be holding its next meeting on March 5, 2007 being held in the Chambers at the Washington County Administration Building, 197 E Tabernacle, St. George, Utah 84770, beginning at 1:00 p.m.

Joe Piccolo
Water Quality Board Chairman